

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

PATRICK VARGAS,

Plaintiff,

v.

CITY OF TRACY; SOUTH SAN  
JOAQUIN COUNTY FIRE  
AUTHORITY; RANDALL BRADLEY,  
in his individual and  
official capacities; and DOES 1  
through 20, inclusive,

Defendants.

No. 2:22-cv-01454 WBS CSK

ORDER

-----oo0oo-----

On February 21, 2025, the court granted the City of Tracy's ("City") motion for summary judgment in its entirety, thereby disposing of all claims against the City. (See Docket No. 119 at 18.) The court denied in part the motions for summary judgment filed by the South San Joaquin County Fire Authority and Randall Bradley, leaving all claims but the procedural process claim for trial. (See id.) The City now requests that the court enter final judgment in its favor. (Docket No. 121.)

1 Federal Rule of Civil Procedure 54(b) provides that  
2 “[w]hen an action presents more than one claim for relief . . .  
3 or when multiple parties are involved, the court may direct entry  
4 of a final judgment as to one or more, but fewer than all, claims  
5 or parties only if the court expressly determines that there is  
6 no just reason for delay.”

7 The factors that may inform a court’s determination of  
8 whether final judgment should be entered as to fewer than all  
9 claims or parties include “whether certification would result in  
10 unnecessary appellate review; whether the claims finally  
11 adjudicated were separate, distinct, and independent of any other  
12 claims; whether review of the adjudicated claims would be mooted  
13 by future developments in the case; whether an appellate court  
14 would have to decide the same issues more than once even if there  
15 were subsequent appeals; and whether delay in payment of the  
16 judgment . . . would inflict severe financial harm.” Wood v. GCC  
17 Bend, LLC, 422 F.3d 873, 878 n.2 (9th Cir. 2005) (citing Curtiss-  
18 Wright Corp. v. Gen. Elec. Co., 446 U.S. 1, 8 (1980)).

19 “[I]n deciding whether there are no just reasons to  
20 delay the appeal of individual final judgments . . ., a district  
21 court must take into account judicial administrative interests as  
22 well as the equities involved.” Curtiss-Wright, 446 U.S. at 8.

23 “[C]onsideration of judicial administrative interests is  
24 necessary to assure that application of the Rule effectively  
25 preserves the historic federal policy against piecemeal appeals.”  
26 Wood, 422 F.3d at 878 (internal quotation marks omitted).

27 Accordingly, Rule 54(b) judgments should be limited to the  
28 “unusual case in which the costs and risks of multiplying the

1 number of proceedings and of overcrowding the appellate docket  
2 are outbalanced by pressing needs of litigants for an early and  
3 separate judgment as to some of the claims of the parties."  
4 Morrison-Knudsen Co., Inc. v. J.D. Archer, 655 F.2d 962, 965 (9th  
5 Cir. 1981).

6 While the court did reach a final determination of the  
7 claims against the City on which it granted summary judgment, the  
8 City has not established that entry of final judgment is  
9 warranted at this stage. First, the City has provided no  
10 argument suggesting that it has a pressing need for an early and  
11 separate judgment. Second, given the similar factual issues  
12 involved in the claims against all defendants -- particularly the  
13 role Bradley played in the allegedly retaliatory employment  
14 actions at issue -- it appears that entering a final judgment as  
15 to only the City would create the possibility of duplicative and  
16 inefficient appeals. See Wood, 422 F.3d at 882 ("[The Ninth  
17 Circuit] cannot afford the luxury of reviewing the same set of  
18 facts in a routine case more than once without a seriously  
19 important reason."); Morrison-Knudsen, 655 F.2d at 965  
20 ("similarity of legal or factual issues will weigh heavily  
21 against entry of judgment under [Rule 54(b)]").

22 IT IS THEREFORE ORDERED that the City of Tracy's  
23 request for entry of final judgment at this time (Docket No. 121)  
24 be, and the same hereby is, DENIED.

25 Dated: March 13, 2025



26 WILLIAM B. SHUBB  
27 UNITED STATES DISTRICT JUDGE  
28